

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR 2002-093045

10/14/2005

THE HON. CRANE MCCLENNEN

CLERK OF THE COURT
E. Campo
Deputy

FILED: 10/20/2005

STATE OF ARIZONA

JEANNETTE GALLAGHER

v.

ALAN MARCEL SOJKA (A)

GARY J BEVILACQUA
JOSEPH A STAZZONE

VICTIM SERVICES DIV-CA-SE

COMPLEX / CAPITAL CASE MANAGEMENT CONFERENCE

11:32 a.m.

State's Attorney:	Jeannette Gallagher
Defendant's Attorney:	Gary Bevilacqua
Defendant:	Present
Court Reporter:	Sally Stearman

This is the time set for Complex / Capital Case Management Conference.

On June 10th, 2005, the State requested that certain witnesses be precluded from testifying at the mitigation phase due to untimely disclosure.

The Court found that disclosure was made untimely; sanctions were discussed.

At that hearing the Court ordered counsel defense counsel to supply this Court, and the State, with a written statement setting forth to the fullest extent possible, all of what each witness is expected to say.

On September 8th, 2005, an Oral Argument was held regarding the Defendant's Motion To Reconsider Court Order Precluding Mitigation Witnesses and Evidence and Statement of Witness Testimony.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR 2002-093045

10/14/2005

At that hearing, the Court ruled that if defense counsel wants to use any of the information that was disclosed on May 27th, 2005, they will have to show good cause why disclosure was not made by April 29th, 2005, for each item specifically. They must also tell the Court when each item was discovered, and why it was not disclosed immediately upon discovery.

The Court has received and reviewed the Notice of Filing Information with Court filed by defense counsel in response to the Court's ruling.

Respective counsel present further arguments on the issue of disclosure and sanctions as set forth on the record.

For reasons set forth on the record,

THIS COURT FINDS that there has been a willful decision not to comply with the Rules of Procedure, and with the rules of this Court.

IT IS THEREFORE ORDERED precluding all of the witnesses that were not disclosed prior April 29th, 2005.

IT IS FURTHER ORDERED setting the next Complex / Capital Case Management Conference for 11/18/2005 at 1:30 p.m. in this division.

IT IS FURTHER ORDERED affirming prior custody orders.

12:30 p.m. Matter concludes.